

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JULY 17, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Friends of Fox Canyon v. City of San Diego, City Council of San Diego*
San Diego Superior Court Case No. GIC 864623

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act case which challenges the City Council's approval of a Mitigated Negative Declaration. The City Attorney requests that the City Council consider a possible settlement of this case in closed session.

CS-2 *Michael Zucchet, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC857389

DCA assigned: A. Jones

This is a case for indemnification brought under Government Code section 995. The City Attorney will advise the Council President and Members of the City Council regarding the current status of this case.

CS-3 *Howard DeYoung, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 849647

DCA assigned: J. Riley

This matter involves allegations that the City violated a 1984 settlement agreement regarding preferential tee-times at the Torrey Pines Golf Course. In closed session the City Attorney will brief the Council on the status of matter.

CS-4 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05 CV 1629

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and request retention of outside counsel in the matter.

CS-5 *San Diego Unified Port District, et al. v. ExxonMobil Oil Corp./ExxonMobil Oil Corp. v. Campbell Industries, et al.*
U.S. District Court Case No. 03CV1053-DMS(POR)

DCA assigned: M. Severson

The matter involves a lawsuit for contribution for the clean-up and remediation of property as a result of pollution. The City Attorney requests that the City Council consider a possible settlement in closed session.

CS-6 *City of San Diego v. Chapin*
San Diego Superior Court Case No. GIC 863096

DCA assigned: C. Fitzgerald

This matter is a pending lawsuit filed by the City of San Diego against former deputy city attorney and SDCERS general counsel Loraine Chapin. The lawsuit alleges Ms. Chapin breached fiduciary duties and violated Government Code Section 1090. In closed session, a deputy city attorney will brief the Council on the status of the matter. The council also will consider a request by Ms. Chapin's counsel for dismissal of the case and if not, consideration of whether a defense should be provided under California Government Code Section 995.

**Public employment - performance evaluation, pursuant to California Government Code
section 54957(b)(1):**

CS-7 Title: Independent Budget Analyst

CS-8 Title: City Clerk